



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 12, 1998

CERTIFIED RETURN RECEIPT

P 074 976 621

Dan L. Powell
Emery Industrial Resources
967 South 680 West
Payson, Utah 84651

RE: Request for Completion of Permitting, Emery Industrial Resources, Cherry Hill Park Quarry,
M/049/021, Utah County, Utah

On October 20, 1997, the Division sent you a formal request to respond to the Division's June 2, 1995 deficiency review within 45 days of your receipt of the letter. Your response to this letter (41 days after you received the Division's notice) was to request an additional 90 days due to the fact that you do not have in-house surveyors, chemists, soil specialists, etc. and must rely on private consultants to assemble the required information.

The Division realizes that not every mining company has the in-house expertise to address all of the informational requirements of a large mining operation permit application. Mr. Powell, it has been over two and one half years since we sent you our initial review comments. Only recently have you informed us that you do not have the in-house capability to address the remaining permitting requirements and have requested an additional three months to address the outstanding deficiencies.

If the necessary baseline information and environmental survey data have already been collected, an additional 90 days is an excessive amount of time to forward your response. However, if the required baseline information has not been collected, it is unlikely that the site will be accessible for consultants to obtain the necessary data until sometime next spring (given the location of your site and the seasonal constraints). Under this scenario, a 90 day extension will not provide you with sufficient time to satisfy the Division's remaining permitting requirements.

After considering your request and the time that has lapsed since the Division sent its initial review, your request for an additional 90 days is denied. The Division will grant you an additional 45 days from the date of this letter or until **February 27, 1998** to assemble and deliver a formal response to our review comments which includes all available permitting information you have collected to date. In addition, a *schedule* for providing the remaining permitting information which is not yet available must be attached. An explanation of the existing reclamation bonding provisions that are in place with the county should also be included. An additional *interim* reclamation bond amount may be required

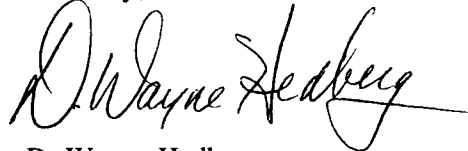
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by this office, if we believe that the bond posted with the county is insufficient to adequately reclaim the disturbance presently associated with this site.

If the February 27th deadline passes without an appropriate response, then we will have little choice but to use the administrative enforcement provisions of the Utah Mined Land Reclamation Act (the "Act") to bring your operation into compliance. Issuance of a Notice of Non-compliance or a formal Notice of Agency Action could (following public notice and hearing) result in a Board Order which requires cessation of mining activities, immediate reclamation, civil penalties, and/or other lawful actions as deemed appropriate under the Act.

We thank you for your cooperation and prompt attention to this matter. We hope to resolve this permitting action in an expeditious manner without having to use formal administrative action. Please contact me at (801) 538-5286 or Lynn Kunzler at (801) 538-5310, if you need further clarification or have any questions regarding the requirements of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Hedberg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb
cc: Buck Rose, Utah County
Mary Ann Wright, DOGM
Minerals staff (route)
M049021.let